

(10)  
5-1-01  
Se

see also

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SAMUEL MARC,

Petitioner

vs.

IMMIGRATION AND NATURALIZATION  
SERVICE,

Respondent

CIVIL ACTION NO. 1:CV-00-1828

FILED  
HARRISBURG, PA

APR 30 2001

MARY E. D'ANDREA, CLERK  
PER gts DEPUTY CLERK

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Samuel Marc is an INS detainee currently housed in the York County Prison challenging his detention by way of a habeas petition. We are considering the Report and Recommendation of the United States Magistrate Judge, dated March 29, 2001, which recommends that the petition be denied, in part, because Marc has not been responsive to the INS's filings.

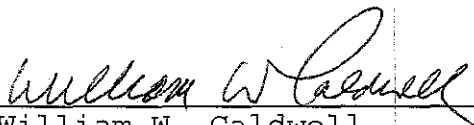
The file shows, however, that documents mailed to the Petitioner have been returned to the Clerk of Court from the Prison as undeliverable. A call to the Prison has revealed that the Petitioner did not previously have an "inmate" number necessary for delivery of the mail. That problem has now been solved, and we will order certain documents be re-sent to the Petitioner so that he may have an opportunity to respond to the government's position.

Accordingly, this 30th of April, 2001, it is ordered  
that:

1. The Clerk of Court shall send  
Petitioner the following documents: Order of  
the Magistrate Judge, filed October 23, 2000,  
(Doc. No. 3); Respondent Immigration and  
Naturalization Service's Response to the  
Habeas Corpus Petition, filed November 15,  
2000, (Doc. No. 7); and the Report of the  
United States Magistrate Judge, filed March  
29, 2001, (Doc. No. 9).

2. Petitioner shall have 20 days from the  
date of this Order to file opposition to the  
government's response.

3. If the Petitioner does not comply with  
paragraph 2, the petition will be dismissed.

  
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William W. Caldwell  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

\* \* MAILING CERTIFICATE OF CLERK \* \*

April 30, 2001

Re: 1:00-cv-01828 Marc v. INS

True and correct copies of the attached were mailed by the clerk  
to the following:

Samuel Marc  
CTY-YORK  
York County Prison  
#55803  
3400 Concord Road  
York, PA 17402

*W does 3,749 as per  
Order 4/30/01 STB*

Joseph J. Terz, Esq.  
U.S. Attorney's Office  
Room 217, Federal Building  
228 Walnut St.  
Harrisburg, PA 17108

cc:

Judge	( )	( ) Pro Se Law Clerk
Magistrate Judge	( )	( ) INS
U.S. Marshal	( )	( ) Jury Clerk
Probation	( )	
U.S. Attorney	( )	
Atty. for Deft.	( )	
Defendant	( )	
Warden	( )	
Bureau of Prisons	( )	
Ct Reporter	( )	
Ctroom Deputy	( )	
Orig-Security	( )	
Federal Public Defender	( )	
Summons Issued	( )	with N/C attached to complt. and served by: U.S. Marshal ( ) Pltf's Attorney ( )
Standard Order 93-5	( )	
Order to Show Cause	( )	with Petition attached & mailed certified mail to: US Atty Gen ( ) PA Atty Gen ( ) DA of County ( ) Respondents ( )
Bankruptcy Court	( )	
Other	( )	

MARY E. D'ANDREA, Clerk

DATE:

4)30/01

BY:

STB  
Deputy Clerk